Government of Kerala
1983

Reg. No. KL/TV(N)/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXVIII] Trivandrum, Friday, 16th December 1983 / 25th Agrahayana 1905 [No. 1515

GOVERNMENT OF KERALA

General Administration (Miscellaneous) Department

NOTIFICATION

G. O. (MS) No. 418|83|GAD.

Dated, Trivandrum, 15th December, 1983.

S. R. O. No. 1753|83.—Under the 'Explanation' to Section 25 of the Negotiable Instruments Act, 1881 (Central Act 26 of 1881) read with Notification of the Government of India, Ministry of Home Affairs No. 20|25|56|Puh.1 dated the 8th June, 1957, the Government of Kerala are hereby pleased to declare Saturday, the 17th December, 1983 as a public holiday, and accordingly make the following amendments to Notification G. O. (Ms.) No. 333|82|GAD dated the 23rd Novemher, 1982 published in the Kerala Gazette Extraordinary No. 870 dated the 23rd Novemher, 1982, namely:—

AMENDMENTS

In the said Notification—

(1) after the word 'Deepavali' and the entries against it, the following shall he inserted, namely:—

"Milad-i-Sherif 17-12-1983 Saturday"

(2) in the Note, the word 'Milad-i-Sherif' and the entries against it shall he omitted.

By order of the Governor,
P. VISWANATHAN NAIR,
Additional Secretary.

33|5496|MC.

Explanatory Note

[This is not part of the Notification but is intended to indicate its general purport].

In Notification G. O. Ms. No. 383/82/GAD dated the 23rd November, 1982 declaring public holidays under the Negotiable Instruments Act, 1881 (Central Act 26 of 1881) 'Milad-i-Sherif' has been shown as occurring on Sunday the 18th December, 1983. It is now decided by Government to declare Saturday the 17th December as a holiday under the Negotiable Instruments Act in connection with 'Milad-i-Sherif'. It is therefore necessary to issue suitable amendments to the above Notification. The Notification is intended to achieve the above object.

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Government of Kerala
1983

Reg. No. KL/TV(N)/1

KERALA GAZETTE

EXTRAORDINARY

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REPORT OF THE SUBJECT COMMITTEE

ON

THE KERALA FISHERMEN WELFARE SOCIETIES (AMENDMENT) BILL, 1983

AND

THE BILL AS REPORTED BY THE SUBJECT COMMITTEE

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1983.

33/5506/MC.

THE KERALA FISHERMEN WELFARE SOCIETIES (AMENDMENT) BILL, 1983

(Report of the Subject Committee)

Subject Committee II—Land Revenue, Forests and Fisheries to which the Kerala Fishermen Welfare Societies (Amendment) Bill, 1983 was referred, considered the Bill clause by clause and now submits this, its report with the Bill as reported by the Committee annexed thereto.

2. The Kerala Fishermen Welfare Societies (Amendment) Bill, 1983 was published as a Gazette Extraordinary dated November 21, 1983. The Bill was introduced in the Assembly on December 5, 1983 and was referred to the Subject Committee on December 6, 1983.

3. The Committee considered the Bill clause by clause at its meeting held on December 13, 1983.

4. The Committee recommended to adopt the Bill without any change.

P. J. JOSEPH,

Chairman,
Subject Committee II.

THE KERALA FISHERMEN WELFARE SOCIETIES (AMENDMENT) BILL, 1983

(As reported by the Subject Committee)

A

BILL

to amend the Kerala Fishermen Welfare Societies Act, 1980.

Preamble.—WHEREAS it is expedient to amend the Kerala Fishermen Welfare Societies Act, 1980 for the purposes hereinafter appearing;

BE it enacted in the Thirty-fourth year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Fishermen Welfare Societies (Amendment) Act, 1983.

(2) It shall be deemed to have come into force on the 4th day of June, 1983.

2. *Amendment of section 9.*—In section 9 of the Kerala Fishermen Welfare Societies Act, 1980 (7 of 1981) (hereinafter referred to as the principal Act),—

(i) to sub-section (1), the following proviso shall be added, namely:—

"Provided that the first committee after the commencement of this Act, of every society shall consist of not less than six and not more than ten members nominated by the Government.";

(ii) to sub-section (4), the following proviso shall be added, namely:—

"Provided that a member of the first committee after the commencement of this Act shall hold office for a period of three years from the date of his nomination.".

3. *Amendment of section 10.*—In section 10 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) The Government may remove from office any member of the first committee after the commencement of this Act, who—

(a) is or has become subject to any of the disqualifications mentioned in sub-section (1); or

(b) is absent without leave of the committee for more than three consecutive meetings of the committee:

Provided that no such member shall be removed on the ground mentioned in clause (a) without giving him an opportunity of being heard.".

4. *Repeal and saving.*—(1) The Kerala Fishermen Welfare Societies (Amendment) Ordinance, 1983 (23 of 1983), is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the Principal Act as amended by this Act.

Secretariat of the
Kerala Legislature,
Trivandrum.
December 15, 1983.

Dr. R. PRASANNAN,
Secretary.

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Reg. No. KL/TV(N)/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXVIII] Trivandrum, Friday, 16th December 1983 / 25th Agrahayana 1905 [No. 1521

GOVERNMENT OF KERALA

Agriculture (Forest Special-A) Department

NOTIFICATION

No. 92113/FS-A2/83/AD. *Dated, Trivandrum, 16th December,* 1983.

S. R. O. No. 1763/83.—In exercise of the powers conferred by section 17 of the Kerala Private Forests (Vesting and Assignment) Act, 1971 (26 of 1971), the Government of Kerala hereby make the following Rules to amend the Kerala Private Forests (Vesting and Assignment) Appeal Rules, 1977, namely:—

RULES

1. *Short title and commencement*:—(1) These rules may be called the Kerala Private Forests (Vesting and Assignment) Appeal Amendment Rules, 1983.

(2) They shall come into force at once.

33/5513/MC.

2. *Amendment of rules.*—In the Kerala Private Forests (Vesting and Assignment) Appeal Rules, 1977, after sub rule (2) of rule 3, the following shall be added, namely:—

"(3) The Form of Appeal prescribed under sub rule (1) shall *mutatis mutandis*, be used, for filing appeal or application for review under sub-section (1) of section 8B or sub-section (1) or sub-section (2) of section 8C, of the Act."

By order of the Governor,

S. Gopalan,

Agriculture (Forest Special) Department.

Explanatory Note

(This does not form part of the Notification, but is included to indicate its general purport).

The Kerala Private Forests (Vesting and Assignment) Amendment Ordinance, 1983, enable the filing of appeals or applications for review of decisions by Tribunals and High Court, in favour of applicants, either on the basis of concessions made without the authority in writing of the Government or due to the failure to produce the relevant data and other particulars before the Tribunal or Court. Appeals or applications for review are proposed to be made in the form already prescribed under the Kerala Private Forests (Vesting and Assignment) Appeal Rules, 1977. This Notification is intended for the above purpose.

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KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXVIII] Trivandrum, Friday, 16th December 1983 / 25th Agrahayana 1905 [No. 1517

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 12062/LA4/83. *Dated, Trivandrum, 16th December,* 1983.

The Kerala Tolls (Amendment) Bill, 1983 together with the Statement of Objects and Reasons, the Financial Memorandum and the Memorandum regarding Delegated Legislation is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Dr. R. Prasannan,

Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1983.

33/5503/MC.

Seventh Kerala Legislative Assembly

Bill No. 92

THE KERALA TOLLS (AMENDMENT) BILL, 1983

A

BILL

to amend the Kerala Tolls Act, 1976.

Preamble.—WHEREAS it is expedient to amend the Kerala Tolls Act, 1976, for the purpose hereinafter appearing;

BE it enacted in the Thirty-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.*—This Act may be called the Kerala Tolls (Amendment) Act, 1983.

(2) It shall be deemed to have come into force on the 23rd day of November, 1983.

2. *Amendment of section* 3.—In section 3 of the Kerala Tolls Act, 1976 (6 of 1977) (hereinafter referred to as the principal Act), to sub-section (1), the following proviso shall be added, namely:—

"Provided that if the Government are of opinion that it is necessary in the public interest so to do, they may, by notification in the Gazette, specify any bridge in respect of which no toll shall be leviable under this sub-section".

3. *Repeal and saving.*—(1) The Kerala Tolls (Amendment) Ordinance, 1983 (41 of 1983), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

Sub-section (1) of section 3 of the Kerala Tolls Act, 1976 (6 of 1977) provides that the Government may levy a toll on every motor vehicle entering a bridge constructed wholly or partly at the expense of the Government and declared open for traffic after the 1st day of January, 1976. A number of representations against the collection of toll on motor vehicles passing over the Calicut Railway Overbridge were received. Collection of toll on motor vehicles passing over a Railway Overbridge in a busy city like Calicut will not only put the public to a lot of inconvenience but also may result in traffic blockade. Arranging for collection of toll on the over bridge at Calicut without causing much inconvenience to the public was impracticable also. Therefore, it was considered necessary to amend sub-section (1) of section 3 of the Kerala Tolls Act, 1976, enabling the Government to exempt collection of toll in respect of any bridge in the public interest.

2. As the Legislative Assembly was not in session and as immediate action in the matter was considered necessary, The Kerala Tolls (Amendment) Ordinance, 1983 (41 of 1983) was promulgated by the Governor on the 23rd day of November, 1983. The Bill seeks to replace the Ordinance by an Act of the State Legislature.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation would not involve any expenditure from the Consolidated Fund of the State.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The new proviso proposed to be added to sub-section (1) of section 3 of the Kerala Tolls Act, 1976, by clause 2 of the Bill seeks to empower the Government to specify, by notification in the Gazette, any bridge in respect of which no toll shall be leviable under sub-section (1) of section 3 of the Act.

The matter in respect of which notification may be issued is a matter of administrative nature. The delegation of legislative power is, therefore, of a normal character.

K. AVUKADERKUTTY NAHA

Reg. No. KL/TV(N)/1

KERALA GAZETTE

EXTRAORDINARY

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REPORT OF THE SUBJECT COMMITTEE

ON

THE ABKARI (AMENDMENT) BILL, 1983

AND

THE BILL AS REPORTED BY THE
SUBJECT COMMITTEE

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TRIVANDRUM, 1983.

33/5507/MC

THE ABKARI (AMENDMENT) BILL, 1983

(Report of Subject Committee)

Subject Committee VIII Economic Affairs to which the Abkari (Amendment) Bill, 1983, was referred, considered the Bill clause by clause and submits this, its report with the Bill as reported by the Committee annexed thereto.

2. The Abkari (Amendment) Bill, 1983 was published as a Gazette Extraordinary dated November 26, 1983. The Bill was introduced in the Assembly on December 1, 1983 and was referred to the Committee on December 5, 1983.

3. The Committee considered the Bill clause by clause at its sitting held on December 12, 1983. The Committee recommends to adopt the Bill without any modification.

K. M. Mani,
Minister for Finance & Law,
Chairman,
Subject Committee VIII.

THE ABKARI (AMENDMENT) BILL, 1983

(As reported by the Subject Committee)

A

BILL

further to amend the Abkari Act, 1 of 1077.

Preamble.—WHEREAS it is expedient further to amend the Abkari Act, 1 of 1077, for the purposes hereinafter appearing;

BE it enacted in the Thirty-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Abkari (Amendment) Act, 1983.

(2) It shall be deemed to have come into force on the 3rd day of November, 1983.

2. *Amendment of section 57.*—In section 57 of the Abkari Act, 1 of 1077 (hereinafter referred to as the principal Act), in clause (a),—

(i) for the words "any noxious drug", the words "any drug, other than a noxious drug," shall be substituted;

(ii) after the words "any article prohibited", the brackets and words "(other than an article which the Government shall deem to be noxious)" shall be inserted.

3. *Insertion of new sections 57A and 57B.*—After section 57 of the principal Act, the following sections shall be inserted, namely:—

"57A. *For adulteration of liquor or intoxicating drug with noxious substances, etc.*—(1) Whoever mixes or permits to be mixed any noxious substance or any substance which is likely to endanger human life or to cause grievous hurt to human beings, with any liquor or intoxicating drug shall, on conviction, be punishable,—

(i) if, as a result of such act, grievous hurt is caused to any person, with imprisonment for a term which shall not be less than two years but which may extend to

imprisonment for life, and with fine which may extend to fifty thousand rupees;

(ii) if, as a result of such act, death is caused to any person, with death or imprisonment for a term which shall not be less than three years but which may extend to imprisonment for life, and with fine which may extend to fifty thousand rupees;

(iii) in any other case, with imprisonment for a term which shall not be less than one year, but which may extend to ten years, and with fine which may extend to twenty-five thousand rupees.

Explanation.—For the purposes of this section and section 57B, the expression "grievous hurt" shall have the same meaning as in section 320 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

(2) Whoever omits to take reasonable precautions to prevent the mixing of any noxious substance or any substance which is likely to endanger human life or to cause grievous hurt to human beings, with any liquor or intoxicating drug shall, on conviction, be punishable,—

(i) if as a result of such omission, grievous hurt is caused to any person, with imprisonment for a term which shall not be less than two years but which may extend to imprisonment for life, and with fine which may extend to fifty thousand rupees;

(ii) if as a result of such omission, death is caused to any person, with imprisonment for a term which shall not be less than three years but which may extend to imprisonment for life, and with fine which may extend to fifty thousand rupees;

(iii) in any other case, with imprisonment for a term which shall not be less than one year but which may extend to ten years, and with fine which may extend to twenty-five thousand rupees.

(3) Whoever possesses any liquor or intoxicating drug in which any substance referred to in sub-section (1) is mixed, knowing that such substance is mixed with such liquor or intoxicating drug shall, on conviction, be punishable with imprisonment for a term which shall not be less than one year but which may extend to ten years, and with fine which may extend to twenty-five thousand rupees.

(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), no person accused or convicted of an offence under sub-section (1) or sub-section (2) or

sub-section (3) shall, if in custody, be released on bail or on his own bond, unless—

(a) the prosecution has been given an opportunity to oppose the application for such release, and

(b) where the prosecution opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence.

(5) Notwithstanding anything contained in the Indian Evidence Act, 1872 (1 of 1872),—

(a) where a person is prosecuted for an offence under sub-section (1) or sub-section (2), the burden of proving that he has not mixed or permitted to be mixed or, as the case may be, omitted to take reasonable precautions to prevent the mixing of, any substance referred to in that sub-section with any liquor or intoxicating drug shall be on him;

(b) where a person is prosecuted for an offence under sub-section (3) for being in possession of any liquor or intoxicating drug in which any substance referred to in sub-section (1) is mixed, the burden of proving that he did not know that such substance was mixed with such liquor or intoxicating drug shall be on him.

57B. *Order to pay compensation.*—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), the court when passing judgment in a case falling under section 57A may, if it is satisfied that death or grievous hurt has been caused to any person or persons by consumption of liquor or intoxicating drug sold in any place licensed under this Act, order the licensee of that place, whether or not he is convicted of an offence under the said section, to pay, by way of compensation, such amount as it appears to be just, to the legal representatives of the deceased or to the person or persons to whom grievous hurt has been caused.

(2) Any person aggrieved by an order under sub-section (1) may within ninety days from the date of the order, prefer an appeal to the High Court:

Provided that no such appeal shall lie unless the amount ordered to be paid under sub-section (1) is deposited in the court which passed such order:

Provided further that the High Court may entertain the appeal after the expiry of the said period of ninety days if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.".

4. *Repeal and saving*.—(1) The Abkari (Amendment) Ordinance, 1983 (37 of 1983), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

Secretariat of the Kerala
Legislature, Trivandrum
December 16, 1983

Dr. R. PRASANNAN,
Secretary.

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KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

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GOVERNMENT OF KERALA

Transport, Fisheries & Ports (Transport-H) Department

DECLARATION

No. 25826/H2/83/TF&P. *Dated, Trivandrum, 30th November 1983.*

S.R.O. No. 1760/83.—Whereas, in exercise of the powers conferred by clause (1) of article 258 of the Constitution of India the President has in notification No. 2/4/63 Judl. II dated 31-5-1963 entrusted the Government of Kerala, with their consent, the functions of the Central Government under the Kerala Land Acquisition Act, 1961 (21 of 1962), in relation to acquisition of lands for the purpose of the Union in the State of Kerala;

And whereas, under sub-section (1) of section 3 of the Kerala Land Acquisition Act, 1961 (21 of 1962), Notification No. 17024/TB2/83/TF&P dated the 11th July, 1983, in respect of the lands specified in the schedule below has been published as S. R. O. No. 893/83 in the Kerala Gazette Extraordinary No. 746 dated the 15th July, 1983;

And whereas, under subsection (4) of section 19 of the said Act the Government of Kerala have directed that in view of the urgency of the case, the provisions of section 5 of the said Act shall not apply to the lands specified in the Schedule below;

And whereas, the Government of Kerala are satisfied that thesaid lands have to be acquired for a public purpose;

33/5500/L.

Now, therefore, the Government of Kerala hereby declare under section 6 of the said Act that the lands specified in the Schedule below and measuring 2.0228 hectares be the same a little more or less, are needed for a public purpose, to wit, for the construction of Alleppey-Kayamkulam Broad Gauge Railway Line and under section 7 of the said Act direct the Special Tahsildar (Land Acquisition, Railway), Kayamkulam to take order for the acquisition of the lands. Further, under sub-section (1) of section 17 of the said Act, Government direct that the Collector may take possession of the lands on the expiry of fifteen days from the date of publication of the notice mentioned in sub-section (1) of section 9 of the said Act.

A plan of the lands is kept in the office of the Special Tahsildar, Railway (Land Acquisition), Kayamkulam and may be inspected at any time during office hours.

SCHEDULE

District—Alleppey. Taluk—Karthikappally.

Village—Kayamkulam (Old Perungala)

Sl. No.	Old Survey No.	Re-Survey No.	Sub Division	Description	Extent in Hectares
(1)	(2)	(3)	(4)	(5)	(6)
1	[illegible]	115	56.23	Road (LT)	0.0140
2	[illegible]	,,	57.24	Dry	0.0090
3	[illegible]	,,	58.25	,,	0.0152
4	133/[illegible]	,,	59.26	,,	0.0098
5	133/2	,,	60	,,	0.0235
6	133/3	,,	61.67	,,	0.0690
7	133/5	,,	63.68	Wet	0.0195
8	133/[illegible]	,,	64	,,	0.0225
9	133/[illegible]	,,	65	,,	0.0105
10	[illegible]	,,	63.91	Dry	0.0018
11	,,	,,	63.92	,,	0.0067
12	160/2, 3, 4	116	57.93	Wet	0.0770
13	,,	,,	57.94	Dry	0.0390
14	[illegible]	,,	58.95	Wet	0.0020
15	[illegible]	119	58	Dry	0.0360
16	,,	,,	59.67	Wet	0.0770
17	,,	,,	59.68	Dry	0.0165
18	,,	,,	61.69	Wet	0.0750
19	,,	,,	61.70	Dry	0.0930
20	,,	,,	62	Dry	0.0225

(1)	(2)	(3)	(4)	(5)	(6)
21	163/18				
	19	119	63.71	Wet	0.0409
22	163/17	,,	64.72	,,	0.2088
23	,, [illegible]	,,	65.73	,,	0.0008
24	163/6				
	7				
	8				
	9				
	10				
	11				
	12				
	13				
	15	119	66.74	,,	0.3690
25	132/7A				
	119/52	115	66.89	Dry	0.0873
26	132/7 B2	,,	67.90	,,	0.0700
27	162/7	116	37.74	,,	0.0460
28	162/8	,,	39.75	Wet	0.0240
29	,,	,,	39.76	,,	0.0100
30	162/9	,,	40.77	Dry	0.0030
31	,,	,,	40.78	Wet	0.0230
32	162/9E	,,	41.79	,,	0.0420
33	,,	,,	41.80	Dry	0.0060
34	162/10				
	11	,,	43.81	,,	0.0235
35	,,	,,	43.82	Wet	0.0235
36	162/12	,,	44.83	,,	0.0710
37	162/24				
	25				
	26	,,	49.84	Dry	0.0100
38	,,	,,	49.85	Wet	0.0320
39	162/26	,,	50.86	,,	0.0520
40	,,	,,	50.87	Dry	0.0100
41	162/27	116	51	,,	0.0165
42	162/28	,,	52	,,	0.0145
43	162/29	,,	53.88	,,	0.0210
44	,,	,,	53.89	Wet	0.0945
45	162/27				
	30				
	33	,,	54.90	,,	0.0003
46	,,	,,	54.91	,,	0.0237
47	162/33	116	55.92	,,	0.0100
48	162/34	,,	56	,,	0.0660
				Total	2.0238

Explanatory Note

(This is not part of the declaration but is intended to bring out the general purport.)

The President of India has in Notification No. 2/4/63/Judl. II dated 31-5-1963 entrusted the Government of Kerala with their consent the powers acquire land for the use of the Central Government in the State, and it appears to the State Government that the land mentioned in the schedule above is needed for a public purpose, viz. for the construction of Alleppey-Kayamkulam Broad Guage Railway Line.

This declaration is intended for the above purpose.

എസ്. ആർ. ഒ. നമ്പർ 1760/83.—ഇൻഡ്യൻ ഭരണഘടനയുടെ 258-ാം അനുച്ഛേദം (1)-ാം ഖണ്ഡംമൂലം നൽകപ്പെട്ട അധികാരങ്ങൾ വിനിയോഗിച്ച് രാഷ്ട്രപതി 31-5-1963-ലെ 2/4/63/ജുഡീഷ്യൽ II എന്ന നമ്പർ വിജ്ഞാപന പ്രകാരം കേരള സംസ്ഥാനത്ത് യൂണിയന്റെ ആവശ്യത്തിനായി ഭൂമി വിലയ്ക്കെടുക്കുന്നതുസംബന്ധിച്ച്, 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്ട് (1962-ലെ 21) അനുസരിച്ചുള്ള കേന്ദ്രസർക്കാരിന്റെ ചുമതലകൾ കേരള സർക്കാരിനെ അവരുടെ സമ്മതത്തോടുകൂടി ഭരമേല്പിച്ചിരിക്കയാലും;

1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്ട് (1962-ലെ 21) 3-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പു പ്രകാരം താഴെ പട്ടികയിൽ പറഞ്ഞിട്ടുള്ള ഭൂമിയെ സംബന്ധിച്ച് 1983 ജൂലൈ 11-ാം തീയതിയിലെ 17024/ടി. ബി. 2/83/ടി. എഫ്. ആൻറ് പി. എന്ന നമ്പർ വിജ്ഞാപനം 1983 ജൂലൈ 15-ാം തീയതിയിലെ 746-ാംനമ്പർ കേരള അസാധാരണ ഗസററിൽ എസ്.ആർ.ഒ. 893/83 എന്ന നമ്പരിൽ പ്രസിദ്ധീകരിച്ചിരിക്കുന്നതിനാലും;

പ്രസ്തുത ആക്ട് 19-ാംവകുപ്പ് (4)-ാം ഉപവകുപ്പുപ്രകാരം സംഗതിയുടെ അടിയന്തിരസ്വഭാവം പരിഗണിച്ച് പ്രസ്തുത ആക്ട് 5-ാം വകുപ്പിലെ വ്യവസ്ഥകൾ താഴെ പട്ടികയിൽ പറഞ്ഞിട്ടുള്ള സംഗതിക്ക് ബാധകമാകുന്നതല്ലെന്ന് കേരള സർക്കാർ നിർദ്ദേശിച്ചിരിക്കുന്നതിനാലും;

പ്രസ്തുത സ്ഥലം ഒരു പൊതു ആവശ്യത്തിനായി വിലയ്ക്കെടുക്കേണ്ടതാണെന്ന് കേരള സർക്കാരിന് ബോദ്ധ്യം വന്നിരിക്കുന്നതിനാലും;

ഇപ്പോൾ, അതിനാൽ, പ്രസ്തുത ആക്ട് 6-ാംവകുപ്പു പ്രകാരം കേരള സർക്കാർ താഴെ പട്ടികയിൽ പറഞ്ഞിട്ടുള്ളതും 2.0238 ഹെക്ടർ വിസ്തീർണ്ണത്തിൽ അല്പം കൂടുതലോ കുറവോ വരുന്നതുമായ ഭൂമി ഒരു പൊതു ആവശ്യത്തിന് അതായത് ആലപ്പുഴ-കായംകുളം റെയിൽവേ ബ്രോഡ്ഗേജ് ലൈൻ നിർമ്മിക്കുന്നതിന് ആവശ്യമാണെന്ന് ഇതിനാൽ പ്രഖ്യാപിക്കുകയും, പ്രസ്തുത ആക്ട് 7-ാം വകുപ്പുപ്രകാരം പ്രസ്തുത സ്ഥലം വിലയ്ക്കെടുക്കുന്നതിനുള്ള ഉത്തരവ് സ്വീകരിക്കുന്നതിന് കായംകുളം (സ്ഥലമെടുപ്പ്) റെയിൽവേ സ്പെഷ്യൽ തഹശീൽദാരോട് നിർദ്ദേശിക്കുകയും ചെയ്യുന്നു.

മാത്രമല്ല, പ്രസ്തുത ആക്ട് 9-ാംവകുപ്പ് (1)-ാം ഉപവകുപ്പ് പ്രകാരമുള്ള നോട്ടീസ് പ്രസിദ്ധപ്പെടുത്തുന്ന തീയതി മുതൽ പതിനഞ്ചുദിവസം കഴിയുമ്പോൾ പ്രസ്തുത സ്ഥലം കൈവശപ്പെടുത്തിയെടുക്കേണ്ടതാണെന്നും സർക്കാർ 19-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പു പ്രകാരം കളക്ടറോട് നിർദ്ദേശിക്കുന്നു.

സ്ഥലത്തിന്റെ ഒരു പ്ലാൻ കായംകുളം (സ്ഥലമെടുപ്പ്) റെയിൽവേ സ്പെഷ്യൽ തഹശീൽദാരുടെ ആഫീസിൽ സൂക്ഷിച്ചിട്ടുള്ളതും ആഫീസ് സമയത്ത് എപ്പോൾ വേണമെങ്കിലും പരിശോധിക്കാവുന്നതുമാണ്.

പട്ടിക

ജില്ല—ആലപ്പുഴ. താലൂക്ക്—കാർത്തികപ്പള്ളി.

വില്ലേജ്—കായംകുളം

(പഴയത്—പെരിങ്ങാല)

ക്രമ നമ്പർ	പഴയ സർവ്വേ നമ്പർ	റീ സർവ്വേ നമ്പർ	സബ്ഡിവിഷൻ നമ്പർ	വിവരണം	വിസ്തീർണ്ണം ഹെക്ടറിൽ
(1)	(2)	(3)	(4)	(5)	(6)
1	133/1ബി,30ബി	115	56/83	റോഡ്(എൽ.ററി.)	0.0140
2	133/30 എ 1	,,	57/84	പുരയിടം	0.0090
3	133/1 എ	,,	59.85	,,	0.0152
4	133/3	,,	59.86	,,	0.0090
5	133/2	,,	60	,,	0.0285
6	133/3	,,	61.87	,,	0.0590
7	133/6	,,	63.88	നിലം	0.0095
8	133/5 എ	,,	64	,,	0.0225
9	133/5	,,	65	,,	0.0105
10	119/48 50 51 53	,,	68.91	പുരയിടം	0.0018
11	,,	,,	68.92	,,	0.0067
12	163/2 3 4	116	57.93	നിലം	0.0770
13	,,	,,	57.94	പുരയിടം	0.0390
14	163/5 ബി	,,	58.95	നിലം	0.0020
15	163/19	119	58	പുരയിടം	0.0360
16	,,	,,	59.67	നിലം	0.0770
17	,,	,,	59.68	പുരയിടം	0.0165
18	,,	,,	61.69	നിലം	0.0750
19	,,	,,	61.70	പുരയിടം	0.0930
20	,,	,,	62	,,	0.0225
21	163/18 19	,,	63.71	നിലം	0.0409
22	163/17	,,	64.72	,,	0.2088
23	,,	,,	65.73	,,	0.0008
24	163/6 7 8 9 10 11 12 13 15	,,	66.74	,,	0.3690

(1)	(2)	(3)	(4)	(5)	(6)
25	132/7എ 119/52	115	66.89	പുരയിടം	0.0873
26	132/7 ബി 2	,,	67.90	,,	0.0700
27	162/7	116	37.74	,,	0.0460
28	162/8	,,	39.75	നിലം	0.0240
29	,,	,,	39.76	,,	0.0100
30	162/9	,,	40.77	പുരയിടം	0.0030
31	,,	,,	40.78	നിലം	0.0230
32	162/9 ഇ	,,	41.79	,,	0.0420
33	,,	,,	41.80	പുരയിടം	0.0060
34	162/10	,,	43.81	,,	0.0235
35	,, /11	,,	43.82	നിലം	0.0235
36	162/12	,,	44.83	,,	0.0710
37	162/24 25 26	,,	49.84	പുരയിടം	0.0100
38	,,	,,	49.85	നിലം	0.0320
39	162/26	,,	50.86	,,	0.0520
40	,,	,,	50.87	പുരയിടം	0.0100
41	162/27	,,	51	,,	0.0165
42	162/28	,,	52	,,	0.0145
43	162/29	,,	53.88	,,	0.0210
44	,,	,,	53.89	നിലം	0.0945
45	162/27 30 33	,,	54.90	,,	0.0003
46	,,	,,	54.91	,,	0.0237
47	162/33	,,	55.92	,,	0.0100
48	162/34	,,	56	,,	0.0660
				ആകെ	2.0238

വിശദീകരണക്കുറിപ്പ്

(ഇത് പ്രഖ്യാപനത്തിന്റെ ഭാഗമല്ല; എന്നാൽ പൊതു ഉദ്ദേശം വെളിപ്പെടുത്തുന്നതിനുദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ്.)

ഇൻഡ്യൻ രാഷ്ട്രപതി 31-5-1963-ലെ 2/4/63/ജുഡീഷ്യൽ II എന്ന നമ്പർ വിജ്ഞാപനംമൂലം ഈ സംസ്ഥാനത്ത് കേന്ദ്ര സർക്കാരിന്റെ ഉപയോഗത്തിനായി ഭൂമി വിലയ്ക്കെടുക്കുന്നതിനുള്ള അധികാരം കേരള സർക്കാരിനെ

അവരുടെ സമ്മതത്തോടുകൂടി മേലെഴുതിച്ചിട്ടുള്ളതും, മുകളിൽ പട്ടികയിൽ വിവരിച്ചിട്ടുള്ള ഭൂമി ഒരു പൊതു ആവശ്യത്തിന്, അതായത് ആലപ്പുഴ–കായംകുളം റെയിൽവേ ബ്രോഡ്ഗേജ് ലൈൻ നിർമ്മിക്കുന്നതിന് ആവശ്യമാണെന്ന് സർക്കാരിന് ബോദ്ധ്യപ്പെട്ടിട്ടുള്ളതും ആകുന്നു.

മേൽപ്പറഞ്ഞ ഉദ്ദേശം നിറവേറ്റുന്നതിനു വേണ്ടിയുള്ളതാണ് ഈ പ്രഖ്യാപനം.

By order of the Governor,
V. A. Augustine,
Additional Secretary to Government.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS,
TRIVANDRUM, 1983.

Government of Kerala
1983

Reg. No. KL/TV(N)/1

KERALA GAZETTE

EXTRAORDINARY

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REPORT OF THE SUBJECT COMMITTEE

ON

THE KERALA PROVISIONAL COLLECTION OF REVENUES BILL, 1983

AND

THE BILL AS REPORTED BY THE SUBJECT COMMITTEE

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1983.

33/5508/MC.

THE KERALA PROVISIONAL COLLECTION OF REVENUES BILL, 1983

(Report of Subject Committee)

Subject Committee VIII—Economic Affairs—to which the Kerala Provisional Collection of Revenues Bill, 1983 was referred, considered the Bill clause by clause and submits this, its report with the Bill as reported by the Committee annexed thereto.

2. The Kerala Provisional Collection of Revenues Bill, 1983 was published as a Gazette Extraordinary dated November 28, 1983. The Bill was introduced in the Assembly on December 6, 1983 and was referred to the Committee on December 8, 1983.

3. The Committee considered the Bill clause by clause at its sitting held on December 12, 1983. The Committee recommends to adopt the bill with the following modification.

The following sub clause may be added to clause 5 as Sub clause (3) namely:—

"(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the amount to be refunded under this section may, at the option of the person entitled to the refund, be adjusted against any tax, duty, cess, fee or other revenue which is, or may become recoverable, from such person.

4. The note of Dissent received from Smt. K. R. Gouri is hereinafter added.

K. M. MANI,

Minister for Finance & Law
Chairman,
Subject Committee-VIII.

MINUTES OF DISSENT

This bill cannot be justified by citing as precedent, the central enactments. Although the Central Act of 1931 is termed as the Provisional Collection of Taxes Act, its provisions are limited to enabling government to collect only now, tax revenues namely customs and central excise duties. Therefore taxes as such are not enabled to be collected and tax laws therefore will not naturally be included for amendment by the provisions of the Finance Bill.

2. It is therefore doubtful whether tax can be collected without a specific law for the purpose as required by article 265 of the Constitution of India.

3. Amendment of several tax laws in a consolidated legislation will certainly affect the depth and seriousness of the discussion that is required for amendment of each tax law. Relevant points are likely to be overlooked. This will not be conducive to a fruitful processing inside the House. The present bill will directly lead to such a situation when the finance bill will be presented in the bouse year by year.

4. Powers vested in several ministers are now for the time being and also every year will be handled by the Finance Minister. This is not conducive to good relation particularly when a coalition ministry is in office. The statement that it will be placed before the council of ministers will not solve the problem. The minister concerned is entitled and is necessary to pilot the particular taxation bill both to the advantage of the M. L. As. and the tax payers.

Trivandrum,
December 13, 1983.

K. R. GOURI

THE KERALA PROVISIONAL COLLECTION OF REVENUES BILL, 1983

(As reported by the Subject Committee)

(Words sidelined indicate the amendments made by the Committee)

A

BILL

to provide for the immediate effect for a limited period of provisions in Bills for giving effect to budget proposals.

Preamble.—WHEREAS the proposals relating to imposition or increase of taxes, duties, cesses, fees and other revenues in the budget speech for each financial year have to be given effect to with effect from the commencement of the financial year to which those proposals relate;

BE it enacted in the Thirty-fourth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Kerala Provisional Collection of Revenues Act, 1983.

2. *Definitions.*—In this Act,—

(a) "declared provision" means a provision in a Bill in respect of which a declaration has been made under section 3;

(b) "Legislative Assembly" means the Legislative Assembly of the State of Kerala.

3. *Power to make declarations under this Act.*—Where a Bill to be introduced in the Legislative Assembly on behalf of the Government provides for the imposition or increase of any tax, duty, cess, fee or other revenue, the Government may cause to be inserted in the Bill a declaration that it is expedient in the public interest that any provision of the Bill relating to such imposition or increase shall have effect from the 1st day of April following the date of introduction of the Bill.

4. *Effect of declarations under this Act and duration thereof.*—(1) A declared provision shall have the force of law on the 1st day of April following the date on which the Bill containing it is introduced in the Legislative Assembly.

(2) A declared provision contained in a Bill shall cease to have the force of law under the provisions of this Act,—

(a) when it comes into operation as an enactment with or without amendment; or

(b) when the Government, in pursuance of a motion passed by the Legislative Assembly, directs, by notification in the Gazette, that it shall cease to have the force of law; or

(c) if it has not already ceased to have the force of law under clause (a) or clause (b), then on the expiry of one hundred and twenty days from the 1st day of April following the date on which the Bill containing it was introduced.

5. *Certain refunds to be made when declaration ceases to have effect.*—(1) Where a declared provision comes into operation as an enactment in an amended form before the expiry of the period referred to in clause (c) of sub-section (2) of section 4, refunds shall be made of all taxes, duties, cesses, fees and other revenues collected which would not have been collected if the provision adopted in the enactment had been the declared provision:

Provided that the rate at which refunds of any tax, duty, cess, fee or other revenue may be made under this sub-section shall not exceed the difference between the rate of such tax, duty, cess, fee or other revenue proposed in the declared provision and the rate of such tax, duty, cess, fee or other revenue in force immediately before the 1st day of April following the date of introduction of the Bill.

(2) Where a declared provision ceases to have the force of law under clause (b) or clause (c) of sub-section (2) of section 4, refunds shall be made of all taxes, duties, cesses, fees and other revenues collected which would not have been collected if the declaration in respect of it had not been made.

(3) Notwithstanding anything contained in sub section (1) or sub section (2), the amount to be refunded under this section may, at the option of the person entitled to the refund, be adjusted against any tax, duty, cess, fee or other revenue which is, or may become recoverable, from such person.

6. *Repeal.*—The Kerala Provisional Collection of Revenues Ordinance 1983, (32 of 1983), is hereby repealed.

Secretariat of the Kerala Legislature,
Trivandrum,
December 16, 1983.

DR. R. PRASANNAN,
Secretary.
